

CHAPTER 11

SECTION 10.1

APPEAL AND HEARING PROCESS

Issue Date: June 3, 1985

Authority: [32 CFR 199.10](#)

I. BACKGROUND

The TRICARE/CHAMPUS appeal and hearing process was established to resolve disagreements over benefit decisions. To provide beneficiaries and other proper parties to a decision the opportunity to have that consideration, a multi-tiered appeal process has been established.

II. POLICY

A. **Reconsideration.** The reconsideration is the first tier in the appeal process and is a contractor review designed to determine whether the initial determination was made in accordance with law, regulation, policies and guidelines in effect at the time the care was provided or requested, or at the time the provider requested approval under TRICARE/CHAMPUS as an authorized provider.

B. **Formal Review.** The formal review is the second tier in the appeal process and is a TMA review to determine whether the initial determination and reconsideration reviews were made in accordance with law, regulation, policies and guidelines.

C. **Hearing.** The hearing is the third tier in the appeal process and is a nonadversary, administrative proceeding to determine the facts of the case and to allow the appealing party the opportunity to personally present the case before an impartial hearing officer.

D. **Final Decisions.** The hearing officer makes a recommended decision which is referred to the Director, TMA, for review. The Director, TMA, or a designee, will adopt or reject the recommended decision as the final agency decision in the appeal or refer the recommended decision to the Assistant Secretary of Defense (Health Affairs) (ASD(HA)) for review. The ASD(HA), after reviewing the case, may issue a final decision or remand the case to the Executive Director, TMA, or a designee, for appropriate action. A final decision issued by the Executive Director, TMA, or a designee, may not be relied on, used, or cited as precedent in the administration of TRICARE/CHAMPUS; whereas, a final decision issued by the ASD(HA) may be relied on, used, or cited as precedent in the administration of TRICARE/CHAMPUS.

III. EFFECTIVE DATE **March 1, 1985**

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